



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1992

Ms. Diana L. Granger
City Attorney
City of Austin
P. O. Box 1088
Austin, Texas 78767-8828

OR92-252

Dear Ms. Granger:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15146.

The City of Austin received an open records request for the "Proposal to Provide Consulting Services to the City of Austin, Texas, RFP No. 920158-3LI," which was submitted to the city by Rice, Williams Associates (Rice, Williams). Although you initially sought to withhold portions of the proposal pursuant section 3(a)(4) of the Open Records Act, one of your staff has informed this office that since the time of your request for an open records decision the city has executed a contract with the party that submitted the winning proposal. Section 3(a)(4) is therefore no longer applicable. See Open Records Decision Nos. 306 (1982); 184 (1978).

Your request for an open records decision from this office was also made pursuant to section 7(c) of the act. Consequently, this office notified representatives of Rice, Williams that we received your request for an open records decision regarding their proposal. In our letter to Rice, Williams, this office requested an explanation as to why portions of their proposal were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

More than 14 days have elapsed since this office issued it notice, but Rice, Williams has failed to provide this office with any explanation as to why

the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. See Open Records Decision No. 552 (1990). Because neither you nor Rice, Williams have demonstrated to this office that the requested information should be withheld, you should release the information at this time. If you have any questions regarding this letter, please refer to OR92-252.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/RWP/lmm

Ref.: ID# 15146
ID# 15190

cc: Ms. Jean Rice
Rice, Williams Associates
601 Pennsylvania
Washington, D. C. 20004

Mr. R. Luthor Carpenter
All Systems Go!
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